

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VERIZON ONLINE LLC,  Plaintiff,  v.  BRANDYWINE COMMUNICATIONS TECHNOLOGIES, LLC,  Defendant.	Case No. 2:12-cv-00801-WY  Judge William H. Yohn, Jr.
VERIZON ONLINE LLC,  Plaintiff,  v.  BRANDYWINE COMMUNICATIONS TECHNOLOGIES, LLC,  Defendant.	Case No. 2:12-cv-00802-LDD  Judge Legrome D. Davis
VERIZON ONLINE LLC,  Plaintiff,  v.  BRANDYWINE COMMUNICATIONS TECHNOLOGIES, LLC,  Defendant.	Case No. 2:12-cv-00803-JCJ  Judge J. Curtis Joyner

**NOTICE OF RELATED CASES AND MOTION TO CONSOLIDATE**

Defendant Brandywine Communications Technologies, LLC hereby provides notice of the cases listed below which are related and pending in this Court:<sup>1</sup>

Case No. 2:12-cv-00801-WY, *Verizon Online LLC v. Brandywine Communications Technologies LLC*;

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<sup>1</sup> Plaintiff was required to file a Notice of Related Cases pursuant to Local Rule 40.1(b)(3) bringing to the Court's attention that Case Nos. 2:12-cv-00802-LDD, 2:12-cv-00801-WY, and 2:12-cv-00803-JCJ are related, but has so far failed to do so.

Case No. 2:12-cv-00802-LDD, *Verizon Online LLC v. Brandywine Communications Technologies LLC*; and

Case No. 2:12-cv-00803-JCJ, *Verizon Online LLC v. Brandywine Communications Technologies LLC*.

These cases relate to the case that was originally filed in the Middle District of Florida as consolidated Case No. 6:11-cv-01344-ORL-CEH-DAB, *Brandywine Communications Technologies, LLC v. Verizon Communications, Inc., Centurylink, Inc., AT&T, Inc., and Earthlink*. Pursuant to the Order Adopting Report and Recommendation of Magistrate David A. Baker in that action (D.I. 62, a copy of which is found at D.I. 9-2 in Case Nos. 2:12-cv-00801-WY, 2:12-cv-00802-LDD and 2:12-cv-00803-JCJ), the original matter was severed and Brandywine was required to file separate actions against each defendant. Those separate, related actions are pending in the Middle District of Florida as:

Case No. 6:12-cv-284-ORL-CEH-DAB, *Brandywine Communication Technologies, LLC v. Verizon communications, Inc., Verizon Online LLC, and Verizon Florida LLC*;

Case No. 6:12-cv-283-ORL-CEH-DAB, *Brandywine Communication Technologies, LLC v. AT&T Corp. and SBC Internet Services, Inc.*;

Case No. 6:12-cv-285-ORL-CEH-DAB, *Brandywine Communication Technologies, LLC v. Earthlink, Inc.*; and

Case No. 6:12-cv-286-ORL-CEH-DAB, *Brandywine Communication Technologies, LLC v. Centurylink, Inc. and Centurytel Broadband Services, Inc.*

On March 8, 2012, Defendant Brandywine Communications filed a Motion for Extension of Time to Respond to the Complaint in each of the three above-captioned cases. On the same day, Judge Legrome D. Davis ordered the parties to brief the issue of whether Case No. 2:12-cv-00802-LDD should be consolidated with the Florida action – Case No. 6:12-cv-284-ORL-CEH-DAB – and proceed in the Middle District of Florida under the first-filed rule. (D.I. 11, Case No. 2:12-cv-00802-LDD.)

Courts may consolidate cases that involve common questions of law or fact. FED. R. CIV. P. 42(a). The above-captioned cases all involve the common question of whether they should be transferred to the Middle District of Florida. In the interests of consistency and judicial economy, it makes sense for one judge to decide this issue. At least for this reason, Defendant Brandywine Communications Technologies, LLC respectfully requests that Case Nos. 2:12-cv-00801-WY and 2:12-cv-00803-JCJ be consolidated with Case No. 2:12-cv-00802-LDD.

Respectfully submitted,

Dated: March 9, 2012

/s/ Richard C. Weinblatt  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 2012, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Richard C. Weinblatt